

## Indiana Public Defender Commission Meeting Minutes

September 26, 2007

Interim Chairman Donohue introduced and welcomed the new assistant staff counsel, Jeffrey S. Wiese, and called the business meeting to order at 2:14 p.m. Commission members in attendance were Bettye Lou Jerrel, Sen. Timothy S. Lanane, Sen. Joseph C. Zakas, Rep. Amos Thomas, Peter D. Nugent and Mark W. Rutherford. Also in attendance were Executive Director of the Indiana Public Defender Council, Larry Landis, and staff counsels, Deborah Neal and Jeffrey S. Wiese.

**Meeting Minutes:** Interim Chairman Donohue presented the meeting minutes from the June 27, 2007 Public Defender Commission meeting for approval. Sen. Tim Lanane moved for approval of the minutes as presented and Bettye Lou Jerrel seconded the motion. The vote was unanimous in favor of approval.

**Task Force to Study Indigent Defense in Indiana:** Chairman Donohue reported that he would contact Chief Justice Shepard regarding the task force.

**Financial Status of the Public Defense Fund:** Deborah Neal reported that after the July 1, 2007 distribution into the Public Defense Fund, and the payment of June 28, 2007 claims for \$3,408,760.65 plus salaries and overhead, the Fund balance is \$3,823,529. The total of payroll and overhead to December 31, 2007, plus the capital and non-capital claims (if reimbursing 40%) is \$4,071,327. The non-capital claims will have to be prorated to 37.3% this quarter. The Public Defense Fund should have approximately \$8,310 in December. The December claims will be paid after January 1, 2008, when the Fund receives its second distribution for FY 07-08.

**Request for 50% Reimbursement in Capital Cases:** The Commission addressed claims for 50% reimbursement in capital cases as follows:

| INDIANA PUBLIC DEFENDER COMMISSION      |           |             |
|---|-----------|-------------|
| Reimbursement Requests in Capital Cases |           |             |
| September 26, 2007                      |           |             |
| COUNTY                                  | DEFENDANT | TOTAL       |
| Fulton                                  | Baker     | \$2,306.94  |
|   | Baker 2   | \$3,083.18  |
|   | Baker 3   | \$4,581.33  |
|   | Baker 4   | \$2,331.93  |
|   | Baker 5   | \$4,295.69  |
| Lake                                    | Aki-Khuam | \$58,569.47 |
| Marion                                  | Adams     | \$584.50    |
|   | Allen 1   | \$21,553.20 |
|   | Allen 2   | \$8,759.88  |
|   | Turner *  | \$10,955.27 |
|   | Turner 2  | \$21,208.58 |

|              |            |                     |
|--------------|------------|---------------------|
|              | Voss       | \$538.71            |
| Parke        | Cottrell   | \$7,604.51          |
| Pike         | Harbison * | \$6,093.68          |
| Spencer      | Ward       | \$31,355.85         |
| Vigo         | Walker     | \$2,665.48          |
|              | Walker 2   | \$382.38            |
| Vanderburgh  | Wilkes     | \$35,266.17         |
| <b>TOTAL</b> |            | <b>\$222,136.75</b> |

Deborah Neal reported the following reductions made to the requests for reimbursement for capital cases this quarter:

1. Pike County's claim in the *Harbison* case was reduced for the amount of charges (\$163.20) that were incurred after the death penalty was dismissed on June 22, 2007.
2. Marion County was over 120 days late filing its request for reimbursement in *St. v. Turner*. The Marion County Auditor was notified of the rejection of a \$4,307.24 request.

Interim Chairman Donohue asked for discussion regarding the capital cases. There was no discussion and Rep. Amos Thomas moved the capital claims in the amount of \$222,136.75 be paid. Sen. Tim Lanane seconded the motion. The motion passed unanimously.

**Claims for 40% Reimbursement in Non-Capital Cases:** The Commission addressed the following counties' 2<sup>nd</sup> quarter claims for 40% reimbursement of non-capital expenses:

### INDIANA PUBLIC DEFENDER COMMISSION

Second Quarter (April 1, 2007 - June 30, 2007) Requests for Reimbursements  
in Non-Capital Cases

9/26/2007

| COUNTY    | Total Expenditure | Adjustment For Non-Reimbrsbl | % ADJ. | Eligible Expenditure | If 40% Reimbursed | 37.3% Prorated Reimbursed | Loss Due to Prorating |
|-----------|-------------------|------------------------------|--------|----------------------|-------------------|---------------------------|-----------------------|
| ADAMS     | \$55,486.96       | \$12,946.96                  | 23%    | \$42,540.00          | \$17,016.00       | \$15,867.42               | \$1,148.58            |
| ALLEN     | \$606,440.71      | \$43,420.90                  | 7%     | \$563,019.81         | \$225,207.92      | \$210,006.39              | \$15,201.53           |
| BENTON    | \$5,270.94        | \$1,054.19                   | 20%    | \$4,216.75           | \$1,686.70        | \$1,572.85                | \$113.85              |
| BLACKFORD | \$27,844.07       | \$4,849.75                   | 17%    | \$22,994.32          | \$9,197.73        | \$8,576.88                | \$620.85              |
| CARROLL   |                   |                              |        | \$0.00               | \$0.00            | \$0.00                    | \$0.00                |
| CLARK     | \$116,339.36      | \$24,359.35                  | 21%    | \$91,980.01          | \$36,792.00       | \$34,308.54               | \$2,483.46            |
| DECATUR   | \$33,421.08       | \$7,769.03                   | 23%    | \$25,652.05          | \$10,260.82       | \$9,568.21                | \$692.61              |
| FAYETTE   | \$70,923.75       | \$18,328.61                  | 26%    | \$52,595.14          | \$21,038.06       | \$19,617.99               | \$1,420.07            |
| FLOYD     | \$117,809.71      | \$22,285.11                  | 19%    | \$95,524.60          | \$38,209.84       | \$35,630.68               | \$2,579.16            |
| FOUNTAIN  | \$25,608.48       | \$7,501.47                   | 29%    | \$18,107.01          | \$7,242.80        | \$6,753.91                | \$488.89              |
| FULTON    | \$41,534.66       | \$10,980.43                  | 26%    | \$30,554.23          | \$12,221.69       | \$11,396.73               | \$824.96              |

|             |                |                |     |                |                |                |              |
|-------------|----------------|----------------|-----|----------------|----------------|----------------|--------------|
| GRANT       | \$197,826.44   | \$21,568.30    | 11% | \$176,258.14   | \$70,503.26    | \$65,744.29    | \$4,758.97   |
| GREENE      | \$65,585.58    | \$11,049.52    | 17% | \$54,536.06    | \$21,814.42    | \$20,341.95    | \$1,472.47   |
| HANCOCK     | \$94,675.28    | \$24,162.47    | 26% | \$70,512.81    | \$28,205.12    | \$26,301.28    | \$1,903.84   |
| HENRY       | \$88,310.49    | \$10,968.93    | 12% | \$77,341.56    | \$30,936.62    | \$28,848.40    | \$2,088.22   |
| HOWARD      | \$361,123.50   | \$47,858.91    | 13% | \$313,264.59   | \$125,305.84   | \$116,847.69   | \$8,458.15   |
| JASPER      | \$52,114.00    | \$16,968.33    | 33% | \$35,145.67    | \$14,058.27    | \$13,109.33    | \$948.94     |
| JAY         | \$42,184.19    | \$15,320.52    | 36% | \$26,863.67    | \$10,745.47    | \$10,020.15    | \$725.32     |
| JENNINGS    | \$42,082.64    | \$17,233.84    | 41% | \$24,848.80    | \$9,939.52     | \$9,268.60     | \$670.92     |
| KNOX        | \$151,945.97   | \$46,027.85    | 30% | \$105,918.12   | \$42,367.25    | \$39,507.46    | \$2,859.79   |
| KOSCIUSKO   | \$118,681.06   | \$34,161.93    | 29% | \$84,519.13    | \$33,807.65    | \$31,525.64    | \$2,282.01   |
| LAKE        | \$933,009.92   |                | 0%  | \$933,009.92   | \$373,203.97   | \$348,012.70   | \$25,191.27  |
| LAPORTE     | \$130,995.55   | \$26,240.89    | 20% | \$104,754.66   | \$41,901.86    | \$39,073.49    | \$2,828.37   |
| MADISON     | \$424,556.14   | \$38,086.33    | 9%  | \$386,469.81   | \$154,587.92   | \$144,153.24   | \$10,434.68  |
| MARION      | \$5,490,487.45 | \$1,325,725.14 | 24% | \$4,164,762.31 | \$1,665,904.92 | \$1,553,456.34 | \$112,448.58 |
| MARTIN      | \$21,759.53    | \$4,901.42     | 23% | \$16,858.11    | \$6,743.24     | \$6,288.08     | \$455.16     |
| MIAMI       |                |                |     | \$0.00         | \$0.00         | \$0.00         | \$0.00       |
| MONROE      | \$236,633.71   | \$40,277.73    | 17% | \$196,355.98   | \$78,542.39    | \$73,240.78    | \$5,301.61   |
| MONTGOMERY  | \$61,378.62    | \$16,392.94    | 27% | \$44,985.68    | \$17,994.27    | \$16,779.66    | \$1,214.61   |
| NEWTON      |                |                |     | \$0.00         | \$0.00         | \$0.00         | \$0.00       |
| NOBLE       | \$79,450.39    | \$13,930.00    | 18% | \$65,520.39    | \$26,208.16    | \$24,439.11    | \$1,769.05   |
| OHIO        | \$13,669.11    | \$5,482.86     | 40% | \$8,186.25     | \$3,274.50     | \$3,053.47     | \$221.03     |
| ORANGE      | \$39,242.55    | \$12,744.34    | 32% | \$26,498.21    | \$10,599.28    | \$9,883.83     | \$715.45     |
| PARKE       | \$35,321.31    | \$10,324.69    | 29% | \$24,996.62    | \$9,998.65     | \$9,323.74     | \$674.91     |
| PERRY       | \$75,811.66    | \$18,477.50    | 24% | \$57,334.16    | \$22,933.66    | \$21,385.64    | \$1,548.02   |
| PIKE        | \$70,911.20    | \$17,528.61    | 25% | \$53,382.59    | \$21,353.04    | \$19,911.71    | \$1,441.33   |
| PULASKI     | \$53,791.29    | \$20,397.00    | 38% | \$33,394.29    | \$13,357.72    | \$12,456.07    | \$901.65     |
| RUSH        | \$50,606.31    | \$17,517.57    | 35% | \$33,088.74    | \$13,235.50    | \$12,342.10    | \$893.40     |
| SCOTT       | \$55,955.47    | \$12,189.77    | 22% | \$43,765.70    | \$17,506.28    | \$16,324.61    | \$1,181.67   |
| SHELBY      | \$79,734.39    | \$9,545.94     | 12% | \$70,188.45    | \$28,075.38    | \$26,180.29    | \$1,895.09   |
| SPENCER     | \$13,077.81    | \$2,327.00     | 18% | \$10,750.81    | \$4,300.32     | \$4,010.05     | \$290.27     |
| STEUBEN     | \$54,430.07    | \$10,004.58    | 18% | \$44,425.49    | \$17,770.20    | \$16,570.71    | \$1,199.49   |
| SULLIVAN    | \$21,292.75    | \$5,999.75     | 28% | \$15,293.00    | \$6,117.20     | \$5,704.29     | \$412.91     |
| SWITZERLAND | \$51,655.59    | \$20,016.54    | 39% | \$31,639.05    | \$12,655.62    | \$11,801.37    | \$854.25     |
| TIPPECANOE  | \$381,559.85   | \$150,785.92   | 40% | \$230,773.93   | \$92,309.57    | \$86,078.68    | \$6,230.89   |
| UNION       |                |                |     | \$0.00         | \$0.00         | \$0.00         | \$0.00       |
| VANDEBURGH  | \$536,559.83   | \$92,423.45    | 17% | \$444,136.38   | \$177,654.55   | \$165,662.87   | \$11,991.68  |
| VERMILLION  | \$23,913.01    | \$10,356.03    | 43% | \$13,556.98    | \$5,422.79     | \$5,056.75     | \$366.04     |
| VIGO        | \$444,221.93   | \$96,892.27    | 22% | \$347,329.66   | \$138,931.86   | \$129,553.96   | \$9,377.90   |

|              |                        |                       |            |                       |                       |                       |                     |
|--------------|------------------------|-----------------------|------------|-----------------------|-----------------------|-----------------------|---------------------|
| WABASH       | \$42,749.97            | \$11,480.87           | 27%        | \$31,269.10           | \$12,507.64           | \$11,663.37           | \$844.27            |
| WARREN       | \$7,619.00             | \$4,145.00            | 54%        | \$3,474.00            | \$1,389.60            | \$1,295.80            | \$93.80             |
| WASHINGTON   | \$106,071.38           | \$10,044.23           | 9%         | \$96,027.15           | \$38,410.86           | \$35,818.13           | \$2,592.73          |
| WELLS        |                        |                       |            | \$0.00                | \$0.00                | \$0.00                | \$0.00              |
| WHITE        |                        |                       |            | \$0.00                | \$0.00                | \$0.00                | \$0.00              |
| WHITLEY      | \$47,734.64            | \$10,879.06           | 23%        | \$36,855.58           | \$14,742.23           | \$13,747.13           | \$995.10            |
| <b>TOTAL</b> | <b>\$11,899,409.30</b> | <b>\$2,413,933.83</b> | <b>20%</b> | <b>\$9,485,475.47</b> | <b>\$3,794,190.16</b> | <b>\$3,538,082.36</b> | <b>\$256,107.80</b> |

Before the Commission voted on payment of the quarterly claims, they discussed compliance issues. Since the last meeting, Clark and Montgomery counties were sent a 90-day notice of possible termination of funds. Deborah Neal summarized the responses from the counties.

Clark County: In response to the Commission's 90-day notice to Clark County, the Clark County Council authorized the addition of two deputy public defenders. A letter from Jeff Stonebraker, Clark County's Chief Public Defender, outlines the plan and timetable for coming into compliance. The Commission accepted Clark County's plan and timetable.

Montgomery County: Montgomery County's plan for achieving compliance is to hire more public defenders and taking whatever additional steps are necessary to gain control of the public defenders' caseloads. Montgomery County states that improvements to the public defense program will have to be paid from their 2008 budget, so they do not expect to be in compliance until next year. The Commission accepted Montgomery County's plan and timetable.

Washington County: Washington County is back in compliance. Deborah Neal sent the county a thank you note on behalf of the Commission.

Other counties with compliance issues, but who have not been given notice of possible termination of funds, are listed below:

Grant County: Grant County had not been sending a running 12-month total on the caseload worksheets. Once Deborah Neal recreated the running total it was apparent that Grant County was out of compliance. Deborah Neal discussed this situation with Bob Rittman, Grant County Managing Public Defender, on September 19, 2007. In Grant County, contract public defenders take cases up to their contract limit and then start taking assigned cases. Deborah Neal and Bob Rittman reached the understanding that the maximum caseload allowable under the Grant County public defenders' contracts indicates the attorneys work part time. If a Grant County public defender chooses to take assigned cases in numbers equaling the maximum allowable caseload for a part-time public defender in addition to his/her contract case assignment, it might be best to consider him/her full time and report his/her caseload on a full-time/inadequately staffed caseload worksheet. If a contract public defender chooses not to take assigned cases over his/her contract limit, then that public defender's cases should be reported on a part-time caseload worksheet.

Responding to the scenario for Grant County, Larry Landis noted it is difficult to know if a county is overloading a public defender. Some public defenders have active private practices while others do not. Those without an active private practice might be able to take on more cases. Deeming an attorney to be

part time or full time based on the number of public defense cases doesn't deal with reality. The counties, public defenders and judges need to have flexibility. If the Commission does not allow public defenders to take cases as assigned counsel, whom will the court appoint? In some counties there may be no other criminal defense lawyers available. Public defenders comprise a county's experienced pool of criminal defense attorneys. Interim Chairman Donohue asked the commission members if there was a number that might trigger a red flag. He suggested more assignments than 10% or 20% of a part-time defense counsel's caseload.

Larry Landis offered this example: A county expects to have 300 public defense cases each year and hires five part-time contract public defenders. The contract states there is a maximum case limit of 60 cases. This year the county has 320 cases. Should the county assume every year from now on there will be 320 or more cases and spend the money to hire another public defender? What if next year the county only has 300 public defense cases? Why not give the county and courts the flexibility to farm these cases out to the contract public defenders as assigned cases as long as the contract public defender chooses to take them?

Sen. Tim Lanane asked what is the incentive for a public defender to take more cases. Deborah Neal responded the assigned cases are usually paid at an hourly rate, which nets more than the contract rate. He further asked if we discover that a part-time public defender exceeds the 60 case maximum due to taking assigned cases, can the Commission deem them to be full-time so that a public defender can have the 120 case maximum? Interim Chairman Donohue said the Commission is interested in knowing about all cases because they have an affect on the public defender's ability to provide effective representation. This is a policy matter that is before the Commission today. Larry Landis cautioned the Commission that if part-time public defenders are deemed to be full-time based on their caseload, the county would be forced to pay them a full-time salary. He believes that if a contract public defender takes an assigned case the Commission should treat that just as if he had taken a private case.

Mark Rutherford said public defenders take assigned cases because they have time and need to pay their bills. The caseload limit for part-time public defenders keeps judges from the natural inclination to bump up the number of cases assigned to part-time public defenders when the court is faced with a large number of cases. The current system should work as long as the Commission keeps track of all cases a public defender is assigned.

Interim Chairman Donohue suggested paying Grant County's request for reimbursement and sending a letter to the county council expressing concern over the public defenders' caseloads and notifying them the Commission is discussing caseload maximums.

Rep. Amos Thomas asked if the Commission could assume that the contract public defenders that have time to take more cases are inexperienced? Deborah Neal said major felony cases require a public defender qualified under Standard E, however, misdemeanors and Class D felonies could be assigned to an inexperienced public defender.

Interim Chairman Donohue called for a motion. Sen. Joseph Zakas commented the Commission should send a letter to all counties regarding its investigation of this issue. Sen. Tim Lanane moved that the Commission pay Grant County for its non-capital cases and notify all counties that it is investigating the caseload limit standard. Rep. Amos Thomas seconded this motion. The motion passed unanimously.

Bettye Lou Jerrel commented the county auditors and Public Defender Boards should also be involved in the investigation and subsequent discussion.

Howard County: Deborah Neal explained Howard County has several public defenders that mainly handle misdemeanor cases but their caseload also includes some D felony cases and some reimbursable juvenile cases. The Commission does not normally monitor misdemeanor cases, however, when a public defender has a “mixed” caseload, they could be out of compliance. Deborah Neal informed Howard County by letter that they would have to determine the percentage of non-reimbursable expenses for attorneys handling mixed caseloads.

Deborah Neal reported there is also a problem with how appeals are reported. Some counties, such as Howard and St. Joseph, want to report appeals separately from the public defender’s other cases. Howard County thought a part-time public defender with a maximum caseload of 60 would still be in compliance if he/she takes public defense appeals. Larry Landis stated most counties, other than the largest counties, use contract part time public defenders. Courts assign appeals to the public defenders because they are the most experienced criminal attorneys in the county and best able to handle appeals. One appeal is the equivalent of five cases according to the Commission’s standards. So if the Commission follows Standard J limits; a part-time public defender’s maximum caseload is 55 cases plus one appeal. This significantly changes how most counties have always worked. It could force a judge to appoint a real estate attorney to handle an appeal or go outside of the county to find representation.

Deborah Neal asked then how should cases be reported? Larry Landis said report the number of contract cases, the number of assigned cases and then the Commission can look at the results and determine if it is an excessive caseload. Mark Rutherford cautioned the commission that public defenders are under tremendous pressure to accept all assigned cases.

The Commission discussed perhaps making additional categories of cases on the caseload worksheets because they could be weighted differently. Mark Rutherford stated he is not concerned with the part-time public defender that reaches his/her 60 case maximum and takes five or six more cases; that public defender probably knows what he/she can handle. The Public Defender Commission is not only to protect public defenders from being assigned too heavy a caseload but also to allow public defenders that know they can handle more cases, to take more cases.

Deborah Neal asked if the Commission is forcing a public defender in a large county like Marion County who is paid a salary to abide by the case limits set by Standard J but is making exceptions for public defenders in smaller counties by ignoring Standard J.

Bettye Lou Jerrel said the Commission needs something that is understandable and fair to all counties, and then stick to that solution. Sen. Tim Lanane said the Commission needs to know the extent of this problem. Obviously, if a part-time public defender’s contract and assigned cases exceed the Standard J limits for a full-time public defender there is a problem. The Commission needs to know more before any decisions are made. Sen. Tim Lanane stated the Commission should investigate this further. He made a motion to pay Howard County’s request for reimbursement, and Mark Rutherford seconded the motion. The motion passed unanimously.

Kosciusko County: A warning letter was sent to Kosciusko County on September 5, 2007. The county had not been reporting caseloads on a rolling 12-month basis. When this was done, three of their public defenders were out of compliance with Standard J. The warning letter informs the county of the problem and gives the county a chance to make changes. Deborah Neal stated she would monitor the county to determine if an effort is being made to come into compliance. Bettye Lou Jerrel made the motion to pay Kosciusko County's request for reimbursement. Sen. Joseph Zakas seconded this motion. The motion passed unanimously.

Rush County: Rush County is out of compliance with Standard J. Deborah Neal has received notice from county officials that they are instituting changes to resolve this problem. Deborah Neal will visit the county to further investigate the matter. Bettye Lou Jerrel made the motion to pay Rush County's 2<sup>nd</sup> quarter request for reimbursement, and Peter Nugent seconded the motion. The motion passed unanimously.

Whitley County: The Whitley County Auditor responded September 19<sup>th</sup> to the notice sent August 14, 2007 by Commission staff counsel informing the county about the non-compliance issues. The response indicates county officials understand they are not in compliance and are ineligible to receive reimbursements from the Indiana Public Defense Fund. This letter tells us the county doesn't understand the Public Defense program and the need to abide by the Commission's Standards. Deborah Neal recommends that Whitley County be paid and she will arrange a meeting with the county council, a county commissioner, board member, judge and auditor to explain this process. Interim Chairman Donohue suggested telling Whitley County the reason for this meeting is to make sure the Commission can reimburse them in the future and delivering the reimbursement check at the meeting. Bettye Lou Jerrel commented the county probably does not understand this program and we need to educate them.

A motion was made by Bettye Lou Jerrel to pay Whitley County subject to a meeting between the staff attorney and all interested parties in Whitley County. Mark Rutherford seconded this motion. The motion passed unanimously.

### **Policy Matters:**

Contract Counsel Taking Cases as Assigned Counsel: Interim Chairman Donohue suggested that since the Commission had considered this issue during its discussion of the non compliant counties, that it be tabled while the staff attorneys conduct an investigation. The staff attorneys will report back to the Commission with the results of their investigation at the December meeting.

Salary Guidelines for Chief Public Defenders and Other Salaried Public Defense Attorneys: Deborah Neal stated that prosecutors are paid by state funds, not county, however, counties are allowed by statute to appropriate up to an additional \$5,000 for the county prosecutor. Standard G states a chief public defender should be paid 90% of the county prosecutor's salary. Should the extra county appropriation paid to prosecutors be included in the 90% calculation? Interim Chairman Donohue and Bettye Lou Jerrel commented on the sensitivity of this issue. County prosecutors and judges are paid by the state funds but the county pays public defenders. This results in county residents perceiving that the highest paid county employee is the chief public defender. If the Commission tells the counties they must pay the chief public defender 90% of an additional \$5,000 the result could be the county halting the process of paying the extra \$5,000 to judges and prosecutors. Larry Landis stated he would like to see the

\$5,000 included in the calculation as a matter of principal but agrees that given the current state of Indiana finances it would be difficult for the counties to pay more.

Deborah Neal asked if the Commission's interpretation of Standard G is that all salaries public defenders are paid 90% of a similarly situated prosecutor's salary? Larry Landis said when standards were adopted the commission chose "substantially comparable" carefully and interpreted that phrase to mean at least 90% for a chief public defender because there was a set salary for a county prosecutor. The Commission should look into developing guidelines for the other public defenders. Deborah Neal offered to have staff contact the counties and gather salary and benefit information for county prosecutors.

Supplemental Public Defense Fund: Deborah Neal stated that 62 of Indiana's 92 counties have responded to the request for information on their county's supplemental public defense services fund. The staff is working on obtaining information from the remaining 28 counties.

Standard H - \$60 Hourly Rate for Assigned Counsel: The Commission tabled this matter until further investigation by staff.

The Commission will meet again on December 12, 2007 at its current location. Deborah Neal reminded Commission members that the State Court Administration, which includes the Public Defender Commission's staff, will be moving to its new location at 30 S. Meridian Street on January 1, 2008. The Commission's March meeting will be held at 30 S. Meridian Street. Staff counsel will distribute a map to all members before the March meeting.

Interim Chairman Donohue recommended that the Commission hold an election for chairman of the commission at the March meeting.

Interim Chairman Donohue will contact Chief Justice Shepard regarding his appointment of a member to the Commission.

Chairman Donohue thanked Deborah Neal for her hard work and knowledge about the Public Defense Fund.

The meeting adjourned at 3:45 p.m.

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Judge Daniel Donohue, Interim Chairman

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Date